

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF GARRARD COUNTY)	
WATER ASSOCIATION FOR A PERMANENT)	
DEVIATION FROM THE REQUIREMENT TO)	CASE NO. 89-055
INSPECT CUSTOMER'S SERVICE LINES;)	
A DIVATION TO SUBSECTION (10) OF)	
807 KAR 5:066, ITEM (3))	

O R D E R

By application received March 9, 1989, Garrard County Water Association ("Garrard") requested a permanent deviation from Commission Regulation 807 KAR 5:066, Section 10(3), which requires a water utility to inspect service line installations.

The Commission, having reviewed the evidence of record and being advised, is of the opinion and finds that:

1. The prevention of cross-connections is only one of the reasons for the inspection of service lines. The Commission's regulations require all utilities to inspect the customer service line to check for any branch connection, tee, irregularity or defect.

2. 401 KAR 6:015, Section 2(5), prohibits cross-connections. The use of certain automatic devices such as reduced pressure zone backflow preventers and siphon breakers may be approved by the Natural Resources and Environmental Protection

Cabinet in lieu of proper air gap separation under specific regulated conditions as a means of protecting the water supply system.

3. Double check valves alone are not acceptable as a backflow prevention device.

4. 401 KAR 6:015, Section 2(5), also makes it the responsibility of the management of every public water supply to determine whether or where cross-connections exist and to take the necessary steps to immediately eliminate them.

5. Commission regulation 807 KAR 5:006, Section 11(1), permits any utility to refuse or discontinue service when:

a. Noncompliance with the utility's or Commission's rules and regulations is discovered.

b. A dangerous condition is found to exist on the customer's premises.

c. A customer refuses or neglects to provide reasonable access for utility inspection.

d. A customer is indebted to the utility.

e. The customer does not comply with state, municipal or other codes, rules and regulations applying to the type service requested.

6. Any person, firm, or corporation who installs any plumbing, including service lines to a water utility's distribution main, must procure a plumbing installation permit from the

Kentucky Department of Housing, Building, and Construction ("the Department") before installing that plumbing. KRS 318.134. Farmsteads,¹ however, are exempt from this requirement. KRS 318.015(3).

7. Prior to the completion of any plumbing installation, the Department conducts an inspection to ensure that the plumbing installation complies with the provisions of the Kentucky State Plumbing Code. KRS 318.130 and 318.134. In those localities where the local government has enacted by ordinance the Kentucky State Plumbing Code, inspections are conducted by local governments instead. KRS 318.140.

8. The inspections conducted by the Department or the local government are comparable to those required of a water utility by Commission Regulation 807 KAR 5:066, Section 10(3).

9. To require a water utility to perform an inspection of any service line installation where the Department or the local government has already conducted a comparable inspection would result in a needless duplication of efforts.

10. To avoid the needless duplication of effort, Garrard should be authorized to deviate from Commission Regulation 807 KAR 5:066, Section 10(3), in those instances where the Department or local government is required to inspect a service line installation.

¹ A farmstead is "a farm dwelling together with other farm buildings and structures incident to the operation and maintenance of the farm situated on ten (10) acres or more of land which is located outside the corporate limits of a municipality." KRS 318.010(8).


IT IS THEREFORE ORDERED that:


1. Garrard's request for permanent deviation from Commission regulation 807 KAR 5:066, Section 10(3), be and hereby is denied.

2. Garrard be and hereby is authorized to deviate from Commission Regulation 807 KAR 5:066, Section 10(3), in those instances where a service line installation is inspected by the Department or local government. Garrard shall, however, conduct such inspections where the same are not required by KRS Chapter 318.

Done at Frankfort, Kentucky, this 8th day of May, 1989.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Executive Director